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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,752	12/18/2000	Edgar Fischer	80058-005300US	8246

7590 07/07/2004

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San Francisco, CA 94111-3834

EXAMINER

TRAN, DZUNG D

ART UNIT	PAPER NUMBER
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2633

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/740,752

Applicant(s)

FISCHER ET AL.

Examiner

Dzung D Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 and 6-9 is/are allowed.
- 6) ☐ Claim(s) 1, 2, 4, 5 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Specification***

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,2, 4, 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloom et al. US patent no. 5,710,652 in view of DeLong US patent no. 6,462,846.

Regarding claims 1 and 4, Bloom discloses a method/device of laser communication system comprising:

sending from said transmitter terminal (beacon lasers 5 and signal transmitter 52, 54) toward said receiver terminal 7 a lightwave carrying data signals (col. 4, lines 30-31) and a second beacon lightwave (col. 3, lines 18-20) to assist in receptive alignment of said first data signal lightwave;

using an acquisition sensor 82 (col. 1, lines 56-57, col. 5, line 2, 16-37) and a receiving sensor 84 (col. 5, line 2, 40-63) at said receiver terminal to acquire said ~~under~~ beacon lightwave and generate internal control signals to better align said receiving sensor to receive said data signals (col. 1, lines 55-65, col. 3, line 14 to col. 4, line 63);

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using said receiving sensor to receive said data signals once proper alignment has been achieved (col. 5, lines 40-63). Bloom differs from claims 1 and 4 of the present invention in that Bloom does not specific disclose a first tightly bundled lightwave carrying data signals and a second wider angle beacon lightwave. DeLong discloses an optical communication terminal having a beacon transmitter that emits a beacon beam that is much broader than the transmit beam (col. 2, lines 23-29). It would have been obvious to an artisan at the time of the invention was made to incorporate the teaching of DeLong in the system of Bloom. One of ordinary skill in the art would have been motivated to do this in order to made it easier for the receiving telescope to detect the beacon beam, thus it improves system reliability.

Regarding claims 2 and 5, as per claims above, Bloom discloses all the limitations except for the light from said receiving sensor is conducted over a first lightwave fiber to a diplexer, and light is split off from this diplexer and conducted to a detector over a second lightwave fiber, which provides an additional signal for making acquisition easier. However, Bloom discloses a dichroic mirror 32 (same as diplexer) for reflecting the to the computer 70 and to the photodiode detector 78, 79 which provides an additional signal for making acquisition easier (figure 4, col.5, lines 40-63). Therefore, if it is not inherent, it would have been obvious that the diplexer of claimed and the dichroic mirror have the same function that is splitting the beam to the controller and the detector for making acquisition easier.

Regarding claim 10, Bloom further disclose the receiver telescope is connected to the system control by means of a coarse pointing assembly control or a fine pointing assembly control (figure 6, col. 5, lines 6-13).

3. Claims 3, 6-9 are allow.
4. Applicant's arguments with respect to claims 1, 2, 4, 5 and 10 have been considered but are moot in view of the new ground(s) of rejection.


### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dzung Tran whose telephone number is (703) 305-0932.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Jason Chan, can be reached on (703) 305-4729.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
LESLIE PASCAL  
PRIMARY EXAMINER